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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

BEVERLY LEVINE, PHILLIP HALL, ERIN HILLMAN, THEODORE SPRADLEY; individuals, on behalf of themselves and others similarly situated,

CASE No. 11-cv-02157 JSW

STIPULATION AND [PROPOSED] ORDER

Plaintiffs,

V.

GOOGLE INC., a Delaware Corporation,

Defendant.

JULIANN KING, individually and on behalf of a class of similarly situated individuals,

Case No. 11-cv-02167-PSG

Plaintiff, v.

GOOGLE INC., et al.

Defendant.

1 MARITSA URIAS and STAN HINES, on behalf of
 2 themselves and all others similarly situated,

Case No. 11-cv-02230-JF

3 Plaintiffs,

4 v.

5 GOOGLE INC.,

6 Defendant.

7 TRACEY LIPTON, individually and on behalf of all
 8 others similarly situated,

Case No. 11-cv-02427-HRL

9 Plaintiff,

10 v.

11 GOOGLE INC.,

12 Defendant.

13 Subject to the Court's review and approval, IT IS HEREBY STIPULATED AND
 14 AGREED AND ORDERED as follows:

15 WHEREAS, the actions *Levine et al., v. Google Inc.*, Case No. 11-cv-02157 JSW, *King*
 16 *v. Google Inc.*, Case No. 11-cv-02167-PSG; *Urias, et al., v. Google Inc.*, Case No. 11-cv-02230-
 17 JF, and *Lipton v. Google Inc.*, Case No. 11-cv-02427-HRL are pending in the Northern District
 18 of California (collectively, the "Actions");

19 WHEREAS, on May 24, 2011, Defendant Google Inc. ("Google") filed an
 20 Administrative Motion to Consider Whether to Relate Cases ("Related Case Motion");

21 WHEREAS, the undersigned parties agree that the Actions are related, and therefore no
 22 plaintiff in any of the Actions filed an opposition to Google's Related Case Motion;

23 WHEREAS, the undersigned parties agree that the Actions should be consolidated for all
 24 purposes and proceed as contemplated herein;

25 WHEREAS, the undersigned parties that have appeared, through their respective counsel,
 26 have stipulated to the terms provided herein;

27 WHEREAS, on May 24, 2011, Google filed with the Judicial Panel for Multi-District
 28 Litigation ("JPML") a Motion to Transfer Actions to the United Stated District Court for the

1 Northern District of California pursuant to 28 U.S.C. §1407 for Coordinated or Consolidated
 2 Pretrial Proceedings in MDL Docket No. 2264 (“Google’s Motion to Transfer”) to transfer to
 3 this Court all similar cases pending in other jurisdictions for consolidated pretrial proceedings
 4 along with the Actions;

5 WHEREAS, Plaintiffs’ counsel anticipate supporting MDL consolidation and transfer to
 6 this District;

7 WHEREAS, it is anticipated that additional related actions may be transferred to,
 8 removed to, or filed in this Court; and,

9 WHEREAS, the interests of fair and efficient administration of the Actions, the
 10 avoidance of unnecessary duplicative efforts and the avoidance of inconsistency in outcomes,
 11 warrants the consolidation of the Actions, entry of certain pretrial orders and the interim
 12 appointment of liaison counsel, and good cause appearing therefore:

13 IT IS HEREBY ORDERED AS FOLLOWS:

14 **I. RELATION, CONSOLIDATION AND TREATMENT OF SUBSEQUENT
 15 ACTIONS**

16 1. The Court finds that *Levine, et al., v. Google Inc.*, Case No. 11-cv-02157 JSW,
 17 *King v. Google Inc.*, Case No. 11-cv-02167 PSG; *Urias, et al., v. Google Inc.*, Case No. 11-cv-
 18 02230-JF, and *Lipton v. Google Inc.*, Case No. 11-cv-02427-HRL are related and hereby
 19 consolidates each action into *Levine, et al., v. Google Inc.*, Case No. 11-cv-02157 JSW, (referred
 20 to herein as the “Consolidated Action”). Each document filed by a party to this litigation shall
 21 bear the following caption:

<i>In re Google, Inc., Android Consumer Privacy Litigation</i>	Case No. 11-cv-02157 JSW
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22 2. The terms of this Order shall apply to the Consolidated Action and to any and all
 23 actions later instituted in, removed to, or transferred to this Court that involve the same or
 24 substantially similar issues of law and fact, subject to the following procedures:
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 26
 27
 28

a. When such a case is filed in, removed to, or transferred to this Court, and only after counsel call to the attention of the Court and the Clerk the filing or transfer of any such case that might be properly consolidated with this Consolidated Action, the Clerk of Court shall:

- (1) place a copy of this Order in the separate file for such action; and
- (2) make an appropriate entry on the docket for the Consolidated Action.

b. Each new case that arises out of the same or similar subject matter to that of the Consolidated Action which is filed in or transferred to this Court, shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party in such newly filed or transferred action objects to consolidation, as provided for herein, or any provision of this order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application.

3. Counsel shall call to the attention of the Court and the Clerk the filing or transfer of any case that might properly be consolidated with the Consolidated Action. Mailing or other delivery of a copy of this Order by Defendants' counsel or Plaintiffs' Interim Class Counsel (see II. Below), as appropriate, to the counsel in any newly filed or transferred actions shall constitute valid notice thereof for purposes of establishing its applicability to such action in accordance herewith.

II. ORGANIZATION OF PLAINTIFFS' COUNSEL AND INTERIM LIAISON COUNSEL

1. After the JPML issues its order on Google’s Motion to Transfer, Plaintiffs shall use their best efforts to self-organize and recommend to the Court counsel to serve as Interim Class Counsel under FRCP 23(g). The recommendation for lead counsel obtained by self-ordering shall be submitted to the Court within ten (10) days of the issuance by the JPML of its order transferring all related actions to this Court. Any opposition to the recommendation shall be filed and served no later than 14 days after the filing of the recommendation with the Court.

1 and any reply shall be filed no later than 7 days after the opposition. In all respects, the filings
 2 shall comply with Local Rule 7.1, *et al.*

3 2. During the pendency of Google's Motion to Transfer, the Court hereby appoints
 4 William M. Audet, of Audet & Partners, LLP, as "Interim" Liaison Counsel. As Interim Liaison
 5 Counsel, Attorney Audet shall have the following duties:

- 6 a. To coordinate all proceedings, including preparing, structuring, and
 7 presenting pretrial and other management related orders;
- 8 b. To encourage full cooperation and efficiency among all counsel;
- 9 c. To act as spokesperson for Plaintiffs;
- 10 d. To perform such other duties as are necessary in connection with the
 11 prosecution of this litigation.

12 3. Interim Liaison Counsel shall be the contact between Plaintiffs' counsel and
 13 Defendant's counsel as well as the spokesperson for Plaintiffs' counsel. All agreements reached
 14 with the Interim Class Counsel shall be binding on all other Plaintiffs' counsel in the
 15 Consolidated Action.

16 **III. FILING OF PLEADINGS AND DISCOVERY**

17 1. No defendant shall have an obligation to answer or otherwise respond to any
 18 complaint in any of the Consolidated Actions until after the JPML issues its order on Google's
 19 Motion to Transfer, plaintiffs have prepared and submitted to the Court for filing a consolidated
 20 Complaint, and the parties have agreed upon and the Court has endorsed a schedule for
 21 defendants' responses to the consolidated Complaint.

22 2. The parties' discovery and disclosure obligations under the Federal Rules of Civil
 23 Procedure shall be suspended until after the JPML issues its order on Google's Motion to
 24 Transfer and the parties have agreed upon and the Court has endorsed a joint case management
 25 order with proposed deadlines for compliance.

26 **IV. STATUS CONFERENCE**

27 Any Case Management Conferences previously set by Court shall be vacated.

V. MODIFICATION OF THIS ORDER

This Order may only be modified, supplemented, or superseded by order of the Court, or, upon the Court's approval, by any party for good cause shown.

Dated June 8, 2011

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24 *Attorneys for Defendant, Google Inc.*

25 Pursuant to stipulation and for good cause shown IT IS SO ORDERED.

26 Dated: _____

27 Honorable Jeffrey White